

BOARD OF SELECTMEN – DECEMBER 19, 2011

I. Call to Order/Roll Call

Chairman Brian Major called the Regular meeting of the Board of Selectmen to order at 5:50 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Major – Y and Selectmen Mary Lyman – Y, Alex Vispoli – Y and Paul Salafia – Y. Also present were: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Major asked for a Moment of Silence followed by the Pledge of Allegiance.

III. Regular Business of the Board

A. Long-term and Short-Term Borrowing

Collector/Treasurer David Reilly explained the competitive bids received from bond and note underwriters for a \$17,996,000 twenty-year refunding and new money bond issue and a \$2,000,000 bond anticipation note issue. Nine bids on the bonds and six bids on the notes were received. The winning bid was Fidelity Capital Eastern Bank for a net interest cost of 0.35%. The refinancing will save approximately \$1,370,894 over the remaining life of the bonds.

Bond proceeds will be used to refinance bonds of the Town originally issued December 1, 2002 and December 15, 2003. The new money bond and note proceeds will be used to finance the construction and remodeling of School and Town buildings, the landfill closing, water and other various municipal purposes.

Selectman Vispoli motioned to award the bid to borrow \$6,000,000 in new money for various Town and School projects and to refinance \$11,996,000 of 2002 and 2003 General Obligation Bonds to Fidelity Capital Markets at a net interest cost of 1.877081%. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

Selectman Vispoli motioned to award the bid on the \$2,000,000 BAN for Bancroft School dated December 22, 2011 and due December 20, 2012 to Eastern Bank at a net interest cost of .3460% for the entire \$2,000,000. The motion was seconded by Selectman Lyman and voted 4-0 to approve.

It was noted that Standard & Poor's assigned the Town the highest rating of Triple A to our long-term debt and the highest short-term rating of SP-1+ to the notes.

IV. Executive Session

On a motion by Selectman Salafia and a second by Selectman Vispoli, it was voted 4-0 to enter into Executive Session for the purpose of discussing collective bargaining strategy and to return to Open Session. Roll call vote: M. Lyman – Y, B. Major – Y, A. Vispoli – Y and P. Salafia – Y.

On a motion duly made and recorded, it was voted 3-0 to adjourn from Executive Session and return to Open Session at 7:00 P.M. Roll call vote: B. Major – Y, P. Salafia – Y and A. Vispoli – Y (Selectman Lyman left before the meeting ended).

Chairman Major reconvened the meeting of the Board of Selectmen to order at 7:10 P.M.

V. Communications/Announcements/Liaison Reports

The Town Manager said the MMA Trade Show will be held in the Hynes Convention Center in Boston from January 20-21st and the Board is invited to attend.

Town Clerk Larry Murphy said he and Town Moderator Sheila Doherty would like to be placed on the upcoming Tri-Board Meeting agenda to discuss scheduling of events on Town Meeting dates.

Selectman Teichert requested a discussion on the names and signs for playing fields be placed as an agenda item for an upcoming Board of Selectmen's meeting.

Selectman Salafia recognized the staff of the Andover Cable TV Station who helped with the Lawrence Boys' Club Fundraiser.

Selectman Vispoli reported that several people have expressed interest in joining the Economic Council and the list of names will be brought to the Board in mid-January for approval. Selectman Vispoli also requested an update from the Town Manager on the status of the Innovation Grant.

Chairman Major talked about the discussion at the previous Tri-Board Meeting regarding the potential adoption of Section 21A and the process required. A sample timeline has been developed with dates to be filled in by the Town Manager followed by a discussion of the Board on January 9, 2012 to decide to adopt or not adopt Section 21A.

VI. Citizens Petitions and Presentations

A. Rich Feldman, Chairman of the Town Yard Task Force, updated the Board on the status of the Town Yard noting that the existing facility is in terrible condition and that band-aid fixes will no longer work. The long-range plan is to develop a new and larger Town Municipal Facility. The Task Force is cognizant of the economic restraints and will continue to evaluate and reshape the proposal to reduce costs wherever possible. The property under consideration has room for future growth and can serve the long term needs of the Town. The Task Force is looking for input from the Board of Selectmen and Finance Committee on assistance to secure a 2/3 vote at Town Meeting.

The Board discussed the status of the current Town Yard and commented on the amount of money spent each year on the current site (*approximately \$100,000 per year*), safety concerns and are extremely concerned with snow loads on the roofs. Last Winter a crane was brought in to remove snow. They identified the Town Yard as a critical project that needs to be addressed and encouraged the Task Force to move forward.

Mary Carbone, 3 Cyr Circle, does not understand how the Town let the Town Yard buildings get to this degree of condition over the years while continuing to build other Town buildings. She feels the property at River Road is too far from Town and too expensive and suggests rebuilding a tiered structure at the current site.

VII. Public Hearing – Continued from December 12, 2011

A. Storage of Inflammable License

Selectman Salafia motioned to approve the request of Avalon Bay Communities, Inc., 51 Sleeper Street, Suite 750, Boston, MA, to keep and store inflammable products at 460 River Road, Andover, in the following amounts: A total of 5,000 gallons of propane to be stored above ground in five 1,000 gallon tanks. The tanks will be protected by Jersey barriers. The petition has been reviewed and approved by the Fire Prevention Officer and Town Clerk and is subject to the condition that all other requirements of the Town

are met prior to the issuance of the license which will be valid from December 12, 2011 until June 1, 2012. The motion was seconded by Selectman Teichert and voted 4-0 to approve.

VIII. Regular Business of the Board

A. Land Acquisition Request

Floyd Greenwood of the Conservation Commission and resident Andy Menezes explained the MBTA land acquisition request which for no fee, will transfer unused land from MBTA to conservation land in the Ballardvale-Lowell Street Junction areas (Tax map 159-10A adjacent to Seero's Green, and Parcel 158-1 adjacent to Pole Hill Conservation Land). The Conservation Commission is sending a letter to request the transfer of land and they would like the Board of Selectmen to show their support by signing the letter as well.

Selectman Vispoli motioned for the Board to sign the letter in support of the acquisition of property from the MBTA and to our State Legislative delegation and to also have Town Counsel conduct a title search and a review the plan. The motion was seconded by Selectman Salafia and voted 4-0 to approve.

B. Keno-To-Go

The Board discussed their rights regarding the sale of the "Keno-To-Go" on-line games at LeBlanc's Fine Wine & Spirits, 77 Main Street, and Mr. Takeout, 54 Haverhill Street, being offered by the Massachusetts State Lottery Commission to existing non-pouring agents and determined that no action is required.

C. FY-2013 – FY-2017 Capital Improvement Program

The Town Manager is requesting approval of the FY-2013-2017 Capital Improvement Program with the caveat that the funding come from available funds voted at Town Meeting.

On a motion by Selectman Vispoli and seconded by Selectman Teichert, The Board of Selectmen voted 4-0 to approve the FY-2013-2017 Capital Improvement Program as presented and based upon available funds.

D. Open Meeting Law – Remote Participation

Town Clerk Larry Murphy explained a new provision in the Open Meeting Law which authorizes the use of remote participation by committee/board members which The Board has to vote to allow use of. The Board decided to hold on this agenda item until additional information becomes available.

IX. Consent Agenda

A. New Year's Extended Hours

Selectman Teichert motioned to approve the request of the following alcoholic beverage licenses holders who are requesting permission to stay open later than normal business hours on New Year's Eve:

1. New Indian Ridge Country Club, Inc., d/b/a Indian Ridge Country Club, Lovejoy Road;
2. Palmer's Restaurant, Inc., d/b/a Palmer's Restaurant, 18 Elm Street; and
3. SCP, Inc., d/b/a Andolini's Restaurant, 19 Essex Street.

The requests have been reviewed and approved by the Police Department with the following conditions:

- Alcoholic beverages may be sold until 1:30 A.M. on Saturday, January 1, 2012; and
 - All patrons must be off of the premises by 2:00 A.M. on Sunday, January 1, 2012.
- The motion was seconded by Selectman Salafia and voted 4-0 to approve.

B. 2012 Annual License Renewals

Selectman Salafia motioned to approve the attached 2012 list of annual license renewals for Alcoholic Beverages, Amusement/Entertainment and Common Victuallers presented by the Town Clerk. The licenses will be effective from January 1, 2012 through December 31, 2012. The applicants have submitted all of the required paperwork, made the necessary payments and have complied with all of the State and Town department conditions necessary for renewal. The motion was seconded by Selectman Vispoli, and voted 4-0 to approve.

C. Common Victualler License

On a motion by Selectman Vispoli with a second by Selectman Teichert, it was voted 4-0 to approve the request of Geoff Schembechler, 36 Parkhurst Road, Dunstable, MA, d/b/a Domino's Pizza, for a Common Victualler license for use at 63 Park Street – Unit #2. The request has been reviewed and approved by the Town Clerk and is subject to the condition that all other requirements of the Town are met prior to the issuance of the license which will be valid from January 1, 2012 through December 31, 2012.

D. Earth Day Yard Sale

On a motion by Selectman Teichert with a second by Selectman Vispoli, it was voted 4-0 to approve the request of Mary Montbleau, Community Services Director, to conduct their Annual Earth Day Yard Sale in The Park on Saturday, April 21, 2012 from 8:00 A.M. to 2:00 P.M. (raindate – Sunday, April 22, 2012). The request has been reviewed and approved with conditions by the Police Department.

E. Little League Parade

On a motion by Selectman Salafia a second by Selectman Vispoli, it was voted 3-0 to approve the request of Scott Nichols, on behalf of the Andover Little League, to conduct a parade beginning at 10:00 A.M. from the Doherty Middle School to Morton Street, down Main Street to Chestnut Street and to return to the Doherty Middle School parking lot on Saturday, April 28, 2012 (raindate – Saturday, May 5, 2012). The request has been reviewed and approved with conditions by the Police Department. Selectman Teichert abstained from voting.

F. Appointments and Re-appointments

On a motion by Selectman Vispoli with a second by Selectman Teichert, it was voted 4-0 to approve the following appointments recommended by the Town Manager and as printed in the agenda:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY DEVELOPMENT & PLANNING DEPT. – Conservation Division</u>			
Wendy Adams	Administrative Secretary (v. D. Roderick)	IE14-8/\$52,301	12/20/11
<u>COMMUNITY SERVICES</u>			
Janice L. Coppolino	Office Assistant II – Technical Production (v. L. Guerin)	IE12-3/\$39,959	1/3/12

Lawrence C.L. Raponi	Referee – PT	C2A/\$8.00/hr.	12/5/11
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COMMUNITY SERVICES

Stephan K. Vaz	Referee – PT	C2A/\$8.00/hr.	12/5/11
Shannon K. Tully	Referee – PT	C2A/\$8.00/hr.	12/12/11
Jason E. Smith	Referee & Coach – PT	C2A/\$8.00/hr.	12/5/11
Matthew Damiani	Basketball Coach – PT	C2A/\$8.00/hr.	12/5/11
Max J. Silveira	Basketball Coach – PT	C2A/\$8.00/hr.	12/5/11
Virginia S. Duffy	Ski Monitor – PT	C2A/\$8.00/hr.	12/19/11
Lindsey Vivian	Counselor – PT	C2A/\$8.00/hr.	12/12/11

MEMORIAL HALL LIBRARY

Mary Ann Whittingham	Library Aide – PT (v. K. Harris)	L2/2/\$10.25/hr.	12/27/11
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On a motion by Selectman Vispoli with a second by Selectman Teichert, it was voted 4-0 to approve the following appointments:

CULTURAL COUNCIL

Kathleen M. Dolan – Term expires 6/30/13
(v. S. Abbott)

RECYCLING COMMITTEE

Michael W. Elmer – Term expires 6/30/13
(v. M. Lundgren)
William J. Stearns, III – Term expires 6/30/14
(v. S. Stecher)

COUNCIL ON AGING

Michael E. Basile, Jr. – Term expires 6/30/14
(v. M. Bausemer)

X. Approval of Minutes from Previous Meetings

On a motion by Selectman Vispoli with a second by Selectman Teichert, it was voted 4-0 to approve the Minutes of November 9, 2011 – Joint Meeting w/Finance Committee, Regular Meeting Minutes of November 14, 2011, and November 21, 2011, and the Special Meeting Minutes of December 5, 2011.

XI. Executive Session

At 8:35 P.M. Selectman Vispoli moved that the Board of Selectmen vote to go into Executive Session to discuss litigation strategy relating to Lyons v. Andover Planning Board, et al and another potential litigation matter and for confidential consultation with Town Counsel and that the Chairman declare that an Open Session may have a detrimental effect on the Town's litigation position and not to return to Open Session. The motion was seconded by Selectman Salafia and voted 4-0 to approve. Roll call: Chairman Major – Y and Selectmen Ted Teichert – Y, Paul Salafia – Y and Alex Vispoli – Y.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: 2012 Alcoholic Beverage Renewal Licenses, Automatic Amusement Entertainment
Licenses, and Common Victuallers Renewal Licenses.
Memo from Collector/Treasurer David Reilly re: borrowing